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H.J.R. No. 28

A JOINT RESOLUTION

1 proposing a constitutional amendment to reserve to the people the  
2 power of petition.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article XIII of the Texas Constitution is amended  
5 to read as follows:

6 Art. XIII. POWERS RESERVED TO THE PEOPLE [SPANISH--AND  
7 MEXICAN-LAND-TITLES]

8 Sec. 1. (a) The qualified voters may petition the  
9 legislature to enact any law on any subject that the legislature is  
10 authorized to enact under the authority of this constitution.

11 (b) Any qualified voter may submit to the secretary of state  
12 an application for a citizen petition to the legislature, which may  
13 embrace only one subject. The application must:

14 (1) be printed on paper measuring 8-1/2 inches by 14  
15 inches;

16 (2) contain the title "A Citizen Petition";

17 (3) contain a caption correctly and informatively  
18 summarizing, as applicable, the contents of any new law that the  
19 petitioners desire to be enacted by the legislature; the effect of  
20 any amendment desired by the petitioners to any existing law; or  
21 the contents of any law that the petitioners desire to be  
22 completely repealed by the legislature;

23 (4) contain the petitioning clause "Be It Petitioned  
24 By The People Of The State Of Texas:";

1           (5) identify the session of the legislature to be  
2 addressed;

3           (6) set forth the full text of any new law that the  
4 petitioners desire to be enacted by the legislature or any existing  
5 law that the petitioners desire to be completely repealed by the  
6 legislature; and, in the case of an existing law that the  
7 petitioners merely desire to be amended by the legislature,  
8 language sought to be added must be underlined and language sought  
9 to be deleted must appear inside of brackets and must be stricken  
10 through by a horizontal uninterrupted or dashed line, with added  
11 language preceding deleted language when the former is to take the  
12 place of the latter;

13           (7) contain the date on which the change in law sought  
14 by the petitioners is requested by them to take effect; and

15           (8) repeatedly contain three horizontal lines, the  
16 first on which must appear a qualified voter's name either  
17 typewritten or printed legibly by hand, the second on which must  
18 appear either the residence address or the voter registration  
19 number of the qualified voter, and the third on which the qualified  
20 voter must personally, and in the presence of a witness, sign his  
21 name.

22           (c) An application for a citizen petition must be signed by  
23 qualified voters in a number equal to at least 10 percent of all  
24 votes cast for the office of governor in the most recent  
25 gubernatorial general election. The application must be submitted  
26 to the secretary of state, who shall determine the validity of the  
27 signatures.

1           (d) Not later than the 40th day after the date the  
2           application is received, the secretary of state shall determine  
3           whether the application for a citizen petition has been signed by  
4           the requisite number of qualified voters. If the application  
5           contains the requisite number, the secretary shall endorse the  
6           application under the Great Seal of Texas, and the application  
7           shall then be referred to as "A Citizen Petition." The secretary  
8           of state shall number, in the order in which the applications are  
9           determined to be valid, each citizen petition and shall promptly  
10           transmit them to the speaker of the house of representatives and to  
11           the lieutenant governor.

12           (e) The secretary of state shall refuse to accept any  
13           application for a citizen petition if it is submitted after the  
14           41st day before the date of the convening of the session of the  
15           legislature that the application seeks to address.

16           (f) Once received by the speaker of the house of  
17           representatives and the lieutenant governor, a citizen petition  
18           shall be referred to, and within 30 days reported from, a committee  
19           in each house. The petition shall in other regards be treated in  
20           the same manner as a bill and may be amended or rejected in either  
21           house.

22           (g) If a citizen petition receives the approval of both  
23           houses of the legislature, it shall be presented to the governor,  
24           who shall treat it in the same manner as a bill.

25           (h) If the governor disapproves a citizen petition, the  
26           governor shall return it with his objections to both houses of the  
27           legislature which, if they are still in session, shall reconsider

1 it over the governor's objections in the same manner as a bill.

2 (i) Enabling laws may be enacted to give effect to this  
3 section.

4 SECTION 2. This proposed constitutional amendment shall be  
5 submitted to the voters at an election to be held November 7, 1989.  
6 The ballot shall be printed to provide for voting for or against  
7 the proposition: "The constitutional amendment to reserve to the  
8 people the power to petition the legislature to enact certain  
9 changes in law."

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to reserve to the people the power of petition.

- DEC 19 1988 1. Filed with the Chief Clerk.
- JAN 25 1989 2. Read first time and referred to Committee on State Affairs
- 3. Reported favorably (as amended) and sent to Printer at (as substituted)
- 4. Printed and distributed at
- 5. Sent to Committee on Calendars at
- 6. Read second time (amended) and (finally) passed to Third Reading by a Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.
- 7. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).
- 8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.
- 9. Caption ordered amended to conform to body of resolution.
- 10. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

- 11. Ordered Engrossed at
- 12. Engrossed.
- 13. Returned to Chief Clerk at
- 14. Sent to the Senate.
- Chief Clerk of the House
- 15. Received from the House
- 16. Read, referred to Committee on
- 17. Reported favorably
- 18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
- 19. Ordered not printed.
- 20. Regular order of business suspended by (a viva voce vote.) \_\_\_\_\_ yeas, \_\_\_\_\_ nays.
- 21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.
- 22. Read second time passed to third reading by: (a viva voce vote.) \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 24. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 25. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

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\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 26. Returned to the House.

\_\_\_\_\_ 27. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 29. Conference Committee Ordered.

\_\_\_\_\_ 30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 31. Ordered Enrolled at \_\_\_\_\_